

Regular Council Meeting
Monday, August 16, 2021
6:30 p.m. – Caucus/ 7:00 p.m. Meeting
Council Chambers
Live via Facebook@http://Facebook.com/lackawannany

Attention Residents:

Meetings have returned to City Hall – Council Chambers, 2nd Floor. They are open to the public. As a courtesy, we ask unvaccinated citizens to please wear a mask and maintain social distancing. Thank you for your anticipated cooperation.

Meeting called to order/Pledge of Allegiance.

NB: Meeting being recorded.

Roll Call: Council: Ingram, Szymanski, Moretti, Surdyke, Marrano
Dept. Heads: Law, Comptroller, Recreation, Public Safety, Development, Public Works (E), Public Information

Hearings from Citizens:

Approval of Minutes: of the regular meeting of July 12, 2021.

Moved by Marrano seconded by Szymanski to adopt minutes as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **City Comptroller** – A/P Check Listing #50, dated July 15, 2021.
2. **City Comptroller** – A/P Check Listing #51, dated July 23, 2021.
3. **City Comptroller** – A/P check Listing #52, dated August 2, 2021.
4. **City Comptroller** – A/P Check Listing #1, dated August 9, 2021.
5. **City Comptroller** – Capital Fund Account for July, 2021.
6. **City Clerk** – Monthly Revenue Report for July, 2021.
7. **City Treasurer** – Cash Receipts Total for July 2021.

Moved by Marrano seconded by Ingram to receive and file Departmental Reports one through seven.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Council:

Requests Information from the Director of Development.

8. To: City Clerk

From: John Ingram, 1st Ward Councilman

Re: Items for the August 16th Council Meeting Agenda

I am looking for some assistance from the Director of Development regarding some concerns I have. When projects and businesses are being developed within the City of Lackawanna there is no communication to the Council regarding these projects.

The Council, as representatives of the citizens of Lackawanna, should be aware of these projects and kept up to date of the progress. It does not look good when a city official has no knowledge of this information when approached by someone in the community. For example:

1. Empire Building Diagnostics, Inc. from Depew moving to the former Brake Beam Building at 400 Ingham Avenue.

2. For almost 5 months I have asked for a tour of the old Bethlehem Steel plant site and have yet received any follow up to my request.

3. What is the plan concerning the incomplete gas station and old church both located on Ridge Road in the 1st Ward? These are owned by the same individual. Other than fines does the city have any other recourse? I would ask the City Attorney to see if there is anything else the city can do when property is bought and the project is never completed.

I would also ask the Director of Public Safety to help the Lackawanna Municipal Housing Authority concerning the problem they have with cars parking on the sidewalk. The LMHA Director did send a letter to the police requesting their help in this matter.

JOHN INGRAM, 1ST WARD COUNCILMAN

Moved by Szymanski seconded by Moretti to receive and file, refer to Law Department and Director of Development for review and possible solution.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests City Council Approve Salutation Signs at City Welcome Entrances.

9. To: Honorable Council President

Honorable Council Members

Re: Adding an Honorable Name to Our City Entrances

Council President Marrano and fellow Councilmembers:

Hearing the news that the 56th governor of New York will be resigning on August 24th, the Lieutenant Governor, Kathy Hochul will become 57th governor of the Empire State and the first female governor in our 244 years of being an original colonial state.

The first six months of her life, she and her family lived on Shamrock Drive in Lackawanna. This makes the distinction that Lackawanna is the Birthplace of the First Female Governor of the State of New York. Shortly after her birth, her family moved to the village of Blasdell, in the Town of Hamburg. I'm sure both the village and the town will be battling for the title of: Home of Kathy Courtney Hochul, but Lackawanna can boost that our city is the birthplace.

As the city is acknowledged as the 'Home of Father Nelson Baker and Colonel John Weber – Civil War Veteran and Statesmen and their historic achievements throughout their lives, I believe we could add another extraordinary person to our proud city's welcome entrances:

"Birthplace of Governor Kathy Courtney Hochul, 57th Governor of the State of New York, First Female Governor of the Empire State".

I would like the city council to vote to approve this salutation to be added to our city welcome entrances.

Respectfully,

GEOFFREY M. SZYMANSKI, 2ND WARD COUNCILMAN

Moved by Szymanski seconded Et. Al. to approve request, pending Lt. Gov. officially taking office as Governor of New York State. Refer to DPW Commissioner for signage.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Department/Division Heads:

Requests Approval of Contract Between the City and the County of Erie Regarding Funds to Upgrade the Fire Department's 911 System.

10. To: Jeffrey DePasquale, City Clerk
714 Ridge Road
Lackawanna, New York 14218

Re: Contract between Erie County and the City of Lackawanna

Dear Mr. DePasquale:

Please put the attached contract on the agenda for council approval. Through the efforts of legislature John Gilmore the funds will be used to upgrade the Fire Department's 911 system. Money left over will be used towards the new city hall.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

A copy of this information may be obtained by contacting the City Clerk's office.

Moved by Marrano seconded by Moretti to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Contract Between the City and Harris Beach Bond Counsel Services.

11. To: Jeffrey DePasquale, City Clerk
714 Ridge Road
Lackawanna, New York 14218

Re: Contract between City and Harris Beach Bond Counsel Services

Dear Mr. DePasquale:

Please put the attached contract on the agenda for council approval.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

A copy of this information may be obtained by contacting the City Clerk's office.

Moved by Marrano seconded by Moretti to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Agreement Between the City and Varsity Gay League.

12. To: Jeffrey DePasquale, City Clerk
714 Ridge Road
Lackawanna, New York 14218

Re: Agreement between City and Varsity Gay League

Dear Mr. DePasquale:

Please put the above-referred contract on the agenda for council approval.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

A copy of this agreement may be obtained by contacting the City Clerk's office.

Moved by Marrano seconded by Szymanski to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Amended and Restated Metering Credit Purchase Agreement for Willet Road Solar Project.

13. To: Lackawanna City Council

If you recall prior action on the Willet Road Solar project was taken by the Council back on December 12, 2017. This project was originally supposed to provide the City with up to \$2 million in energy cost savings over a 20 year period. The original agreement was for an initial term of 20 years and the agreement provided for an energy payment rate of \$0.085 per kilowatt hour for energy purchased from the solar project. The equipment that was installed was approximately 3 times smaller than what was originally planned. As a consequence the city has been getting billed under the terms of the agreement because the project does not produce the amount of energy that it was supposed to. Richard Stanton and I have negotiated with Willet Road Solar LLC and we have come up with an amended and restated net metering credit purchase agreement which basically provides the city with a 10% net savings guarantee on our electric bills.

Under the old agreement if the facility did not produce a certain level of electricity the city got billed. This basically wiped out the credits and was costing the city money. The new agreement also releases several acres of this property which was never developed into the solar farm for the future development by the city. In essence, under the old agreement the Solar LLC was basically using our property and generating electricity and not paying us rent. Under this new agreement we are guaranteed savings. We are buying a national grid credit for \$0.090 on the dollar which guarantees a 10% savings to the city. Should the Council have any questions either Rich Stanton or myself will be available to discuss further. City Attorney requests that the council approve the agreement as amended and authorize the Mayor to enter into this contract on behalf of the City.

RICHARD S. JUDA, JR., CITY ATTORNEY

A copy of this information may be obtained by contacting the City Clerk's office.

Moved by Marrano seconded by Moretti to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval to Utilize 2838 South Park Avenue U-Drive for the DPW Christmas Fundraiser.

14. To: Honorable City Council President
Honorable City Council Members
714 Ridge Rd.
Lackawanna NY 14218

Honorable Members of the City Council:

I am requesting your Honorable Body to allow the Lackawanna DPW to utilize the U-drive at 2838 South Park Ave. to hold their Second Annual Drive-Thru Charity Chicken BBQ for the Lackawanna DPW Christmas Toy Drive. The event will take place on Saturday, October 9, 2021 from 3 PM to 7 PM.

Food will be prepared on site by Weidner's BBQ. Weidner's will provide proof of insurance for the event.

Thank you for your consideration.

Sincerely,

BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION

Moved by Marrano seconded by Surdyke to approve request, pending proof of insurance.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval to Allow Rebecca Roussev of LA Urban Farms to Address the Council.

15. To: Honorable City Council President
Honorable City Council Members
714 Ridge Rd.
Lackawanna NY 14218

Honorable Members of the City Council:

I am requesting your Honorable Body to allow Rebecca Roussev of LA Urban Farms to address the City Council and discuss the possibility of using Galanti Park to host an afterschool program aimed at promoting wellness initiatives among Lackawanna Students as well as discuss future plans that could be funded through a vast amount of State and Federal funding sources for Farm-To-School activities.

Thank you for your consideration.

Sincerely,

BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION

Moved by Marrano seconded by Moretti to receive and file presentation, refer to Director of Development, Director of Recreation and Law Department for input.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Use of Franklin Playground by Global Concepts High School Soccer Team.

16. To: Honorable City Council President
Honorable City Council Members
714 Ridge Rd.
Lackawanna NY 14218

Honorable Members of the City Council:

I am requesting your Honorable Body to approve a request for use of Franklin Playground for use by the Global Concepts Charter High School Soccer team. The Global Concepts Charter High School have used this field in years past with no issues of any sort. Proof of insurance will be provided.

Thank you for your consideration.

Sincerely,

BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION

Moved by Marrano seconded by Moretti to approve request, pending proof of insurance.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Ordinance Creating the Assistant Comptroller Position.

17. To: Honorable Frederic J. Marrano, President
Honorable Members of the City Council
714 Ridge Road
Lackawanna, NY 14218

Dear Council Members:

Please approve the attached ordinance to create the Assistant Comptroller position in the 2021-2022 City of Lackawanna budget and to fund the line. The position was approved at the June 28, 2021 council meeting.

If you have any questions please feel free to contact me.

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

Moved by Marrano seconded by Szymanski to receive and file, act on ordinance.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING THE 2021-2022 BUDGET ORDINANCE ADOPTED MAY 18, 2021.

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2021-2022 Budget Ordinance adopted May 18, 2021 is hereby amended to increase the salary for the Assistant Comptroller to \$62, 500.00 and fund the current position.

SECTION 2. That the 2021-2022 Budget Ordinance is hereby amended to increase the budget line A.1315.101 by \$5,914.00.

SECTION 3. That the 2021-2022 Budget Ordinance is hereby amended to decrease fund balance by \$5,914.00.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: August 16, 2021

Lackawanna, New York

Moved by Marrano seconded by Moretti to adopt ordinance as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval for the Mayor, Council Members Szymanski and Surdyke and City Clerk to Attend the Upcoming NYCOM Conference.

18. To: Honorable Council President
Honorable City Council Members
714 Ridge Road
Lackawanna, NY 14218

Dear Council Members,

On behalf of Mayor Iafallo, Council Member's Surdyke and Szymanski, City Attorney Juda, and I, we are seeking Council approval to attend the fall session of the New York Conference of Mayors (NYCOM) Conference, to be held in Sarasota Springs the week of September 20th, 2021.

The money for all attendees is already budgeted for travel purposes under their respective 2021-2022 departmental budget.

In addition, please approve the attached resolution changing the meeting date of the Council meeting of Monday, September 20, 2021 to Monday, September 27, 2021.

Thank you for your time and consideration.

Respectfully,

JEFFREY DEPASQUALE, CITY CLERK

Moved by Marrano seconded by Moretti to approve amended travel request and act on resolution.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 26, 2021

Whereas, Chapter 3, Section 3.7 of the Charter of the City of Lackawanna provides for meeting dates, time and location of the Lackawanna City Council; and

Whereas, the City Council desirous of complying with the City of Lackawanna Open Meetings Law of the State of New York, and

Whereas, the City Council is desirous of changing the meeting date of Monday, September 20, 2021 to be rescheduled for Monday, September 27, 2021, and

Be it Resolved, that the City Council meeting previously scheduled for Monday September 20, 2021, is hereby changed to Monday, September 27, 2021.

Be it further resolved, that a copy of this resolution be posted on the centrally located bulletin board in the lobby of City Hall, the Council bulletin board, the City Clerk's Office and on the official website for the city.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

**Dated: August 16, 2021
Lackawanna, New York**

Moved by Marrano seconded by Ingram to adopt resolution as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Communication from Citizens:

Resident Submits Communication Regarding the Current Parking Condition on Jackson Street and the Use of Fire Pits.

19. To: John Ingram, 1st Ward Councilman

Good evening Mr. Ingram, I spoke with you earlier this week about a few concerns that I had about parking on Jackson Street due to excessive traffic due to the Mulberry Café it does become a very difficult situation for residential parking when the streets are full of cars for the restaurant. It was just a thought that maybe you could open up the bridge that goes over Smokes Creek and have parking on that side approximately 25 cars for the Mulberry Café this property could be leased to them under a contract where they maintain parking lot lighting and snow removal of the parking lot and bridge this would alleviate parking address and Street my second question to you quotes about having a fire pit in the backyard that they are banned in Lackawanna I believe that we can have a fire pit if we take the right corrective actions and guidelines for homeowners to have one such as a fire pit can only be 30 in round it must be on patio blocks or a stone base of 40 in it must be a minimum of 6 feet away from the house or driveway this should help any accidents from occurring I do believe that there are more houses that have been burnt and siding that has been burnt from people's gas grills that were too close to the home and unfortunately turkey fryers that have caught on fire if I do believe that we can have fire pits long as we follow the conditions and recommendations that were mentioned I hope that you could discuss this at the meeting and with the rest of the council members and mayor and come to a resolution on these subjects thank you for your time I do appreciate the phone call that you gave me it was any good time

for Manor and I do appreciate the mayor and the council for everything they do have a wonderful evening God bless.

STEVE SZAFRANSKI, LACKAWANNA RESIDENT

Moved by Marrano seconded by Szymanski to receive and file.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests to Speak with the City Council Regarding LA Urban Farms.

20. To: City Council

I would be willing to meet with the City Council and the Board members to share my ideas and explain what is already happening with the Lackawannafarms.com program which will be happening in late September and early October. I will be leaving town August 17 – September 17. But would be willing to meet with you via zoom or any other platform. Thank you for all you do! I look forward to meeting YOU!

REBECCA ROUSSEV, RESIDENT

See Communication #15.

Submission of a Certified Copy of a Resolution Passed by the Town of Eden Town Board.

21. Emily Hawkins, Eden Town Clerk submits a certified copy of a resolution passed by the Town of Eden Town Board, on the 28th Day of July, 2021, affirming the Skyway Bridge as essential to their community for commerce, revitalization, access to employment, public safety and efficient travel to points north, and opposes its removal or restrictions to vehicle use.

EMILY HAWKINS, EDEN TOWN CLERK

Moved by Marrano seconded by Moretti to receive and file.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Request to Waive the Rules.

Moved by Marrano seconded by Szymanski to waive the rules.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests use of Veteran's Stadium.

To: Honorable City Council Members

714 Ridge Road

Lackawanna, NY 14218

Re: Lackawanna Little Loop use of Veteran's Stadium for football and cheerleading practice

Dear Honorable Members of the City Council;

As president of the Lackawanna Little Loop football and cheerleading organization, I am writing to you requesting use of Veteran's Stadium for the purpose of practicing there.

Due to the size of our teams and the expected increase in players and cheerleaders, we are requesting the use of Veteran's Stadium to conduct our practices from the period of September 1st, 2021, to November 13th.

I have provided all insurance information for you.

Sincerely,

KEVIN PAGLIEI, PRESIDENT

Moved by Marrano seconded by Moretti to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Business Registrations:

Kahdas Mohamej, dba Statewide Auto Plus, 180 Ridge Road

Moved by Marrano seconded by Moretti to approve Business Registrations.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Sarah Barber, dba SRI Fire Sprinkler, LLC, 2600 Hamburg Tpk.

Moved by Marrano seconded by Ingram to approve Business Registrations.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Michael Barnes, dba Yard Sale produce, 142 Wilson Street

Moved by Marrano seconded by Ingram to approve Business Registrations.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Christine Hawrylczak, dba Willet Farm Stand, 2221 Abbott Road

Moved by Marrano seconded by Surdyke to approve Business Registrations.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Entertainment Licenses:

Nite Cappe, 1769 Abbott Road, Class 1 – Live Music and/or Mechanical Reproduction.

Lake Erie Co-op Society, 3200 South Park Avenue, Class 1 – Live Music and/or Mechanical Reproduction.

Moved by Surdyke seconded by Marrano to approve Class I Entertainment Licenses for the above named businesses.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Request to Waive the Fee for O'Brien's Farm Fresh Kitchen Food Truck for Thursday Concert Series August 19, 2021.

One time exception.

Moved by Szymanski seconded by Marrano to waive the fee for this one time exception.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Tabled Items:

Old Business:

Adjournment:

Moved by Marrano seconded Szymanski to adjourn meeting in memory of Mrs. Mary Reed.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Frederic J. Marrano-Council President

Jeffrey P. DePasquale - City Clerk

Any items to be placed on the agenda must be received by the City Clerk's Office by noon on the Wednesday before the scheduled meeting to be considered. Any public comments normally in person at the meeting during "Hearing from Citizens" MUST be related to topics already on the agenda and received by the City Clerk's Office no later than noon on the scheduled day of the meeting. Comments are accepted via US Mail Service, Fax @ 716-827-6453 or email at cityclerk@lackny.com. It is requested that gentlemen remove their hats and that all cell phones be placed in silent mode so as to not disturb the proceedings. Proper decorum and respect towards fellow citizens, Council Members and City Officials must be adhered to or you will be asked to leave the Council Chambers. There is no input from the public during the caucus portion of the meeting. Thank you.

www.lackawannany.gov